



Rhode Island Department of Health
Three Capitol Hill
Providence, RI 02908-5094

www.health.ri.gov

Memo

Safe and Healthy Lives in Safe and Healthy Communities

Date: December 27, 2007

To: RI Asbestos Abatement Contractors/Training Providers

From: Alfred J. Cabral, Supervising Industrial Hygienist, Asbestos Program

Re: OSHA Rule Clarifying PPE Requirements

The RI Asbestos Control Program would like to share a recent announcement by the Federal Occupational Safety and Health Administration clarifying employer responsibilities for payment of personal protective equipment (PPE) for their employees. Questions regarding this announcement should be directed to the regional OSHA office at (401) 528-4669.

- - On November 14, 2007 the Occupational Safety and Health Administration (OSHA) announced a new rule clarifying the employer/employee responsibilities for payment of personal protective equipment (PPE).
- - The final rule requires employers to pay for almost all personal protective equipment that is required by OSHA's general industry, construction, and maritime standards. Employers already pay for approximately 95% of these types of PPE.
- - This action creates a clear and consistent policy across OSHA's standards, reducing confusion about the items for which employers are required to pay, and it reduces workplace injury, illness, and death - OSHA estimates that the rule will result in 21,000 fewer injuries per year.
- - The final rule does not create new requirements regarding what PPE employers must provide. It does not require payment for uniforms, items worn to keep clean, or other items that are not PPE.
- - The final rule contains exceptions for certain ordinary protective equipment, such as safety-toe footwear, prescription safety eyewear, everyday clothing and weather-related gear, and logging boots.
- - The final rule also clarifies OSHA's intent regarding employee-owned PPE, and replacement PPE:
- - It provides that, if employees choose to use PPE they own, employers will not need to reimburse the employees for the PPE. The standard also makes clear that employers cannot require employees to provide their own PPE and the employee's use of PPE they already own must be completely voluntary. Even when an employee provides his or her own PPE, the employer must ensure that the equipment is adequate to protect the employee from hazards at the workplace.
- - It also requires that the employer pay for replacement PPE used to comply with OSHA standards. However, when an employee has lost or intentionally damaged PPE, the employer is not required to pay for its replacement.
- - The rule provides an enforcement deadline of six months from the date of publication to allow employers time to change their existing PPE payment policies to comply with the final rule.